



Lamoine Board of Selectmen

606 Douglas Hwy
Lamoine, ME 04605
(207) 667-2242
town@lamoine-me.gov

Draft

Minutes – August 13, 2015

Chairman Gary McFarland called the meeting to order at 7:00 PM.

Present were: Selectmen S. Josephine Cooper, Gary McFarland, Bernie Johnson, Heather Fowler, Nathan Mason; Administrative Assistant Stu Marckoon, Assessor Michael Jordan, Kathleen Rybarz, Catherine deTuede, Planning Board chair John Holt, Steve Gabel-Richards, Assessors chair Jane Fowler, Planning Board member Richard McMullen, Carl Korty, Comprehensive Planning Committee vice-chair Kathie Gaianguest, and School Committee member Gordon Donaldson.

Agenda Review – No changes were proposed to the printed agenda and addendum.

Minutes July 30, 2015 – Bernie moved to approve the minutes as written. Jo 2nd. **Vote in favor was 4-0 (McFarland abstained)**

Expenditure Warrant 4 – Selectmen signed warrant 4 in the amount of \$309,912.11. Stu said \$250,000 of that was a transfer to the investment account. He noted that the Forest Hill Cemetery contract was signed and returned and the payment due per the contract and encumbered from the previous fiscal year was included in the warrant.

Cash & Budget Reports – Heather asked if the roads were done. Stu reported the paving was, but the shoulders on Needles Eye Road are being worked on.

Checking Account Reconciliation – Gary noted there are three outstanding checks that are fairly old. Stu said that was correct, and he would propose that the Selectmen declare them stale at a later meeting and perhaps apply them against the property taxes if applicable. Selectmen signed the statement expressing satisfaction with the checking account reconciliation which had been e-mailed previously.

Cash Flow Report – Stu reported that he had prepared a cash flow report and sent it to the investment company to assist with investment strategy.

Appointments – Carol Korty said because Planning Board and Appeals Board appointees deal with gravel issues, she would request that Selectman Heather Fowler recuse herself from making appointments to these boards. She said she researched conflicts of interest, and there is a very narrow definition which has to do with direct financial interest. She said the reason she was requesting was because this is an issue of perception.

Gary said the Selectmen have an appointment policy, and the board does not normally ask members to recuse themselves. Jo said she respectfully disagreed with Ms. Korty. She said all the Selectmen have opinions, and the more open the appointment process is, the better. She said the board needs diverse opinions and all the board members need to have a say. She said the Planning Board deals with more than just gravel.

Gary noted that none of the applicants for the various board positions are family members or employees of any of the Selectmen. Heather said she knows what the policy is and would excuse herself as needed.

Planning Board Alternate

Jo said she would like to hear from each applicant for the Planning Board alternate position. The board agreed to have the candidates answer why they want to be appointed, what experience they have that would be useful as a board member, and to give an idea of what the future might hold for the Planning Board. Michael Jordan, Steve Gabel-Richards and Catherine deTuede all addressed the board on the set of questions.

After hearing from each candidate, Jo moved to appoint Steve Gabel-Richards as an alternate member of the Planning Board. Heather 2nd. **Vote in favor was 4-1 (Johnson opposed).**

Appeals Board Alternate – Michael Jordan said he did not recall saying that he was interested in the appeals board position. Nathan asked if he wished to withdraw his name. Mr. Jordan said he did not wish to, and he is willing to be considered. The board conducted brief interviews with candidates Michael Jordan, Catherine deTuede, and Kathleen Rybarz in a similar fashion as the Planning Board.

Nathan moved to appoint Michael Jordan as the alternate member of the Board of Appeals. Bernie 2nd. **Vote in favor was 4-1 (Cooper opposed).**

Recreation Committee – Jo moved to appoint both Sharon Smythe and Patricia Haslam as alternate members of the Recreation Committee. Nathan 2nd. **Vote in favor was 5-0.**

Parks Commission – Heather said she knows the lone candidate, Alida Liberty well. Jo moved to appoint Ms. Liberty to the Commission. Heather 2nd. **Vote in favor was 5-0.**

Budget Committee Alternate – No one offered to serve as an alternate on the Budget Committee.

Roads – Stu reported that minor repair jobs are needed on MacQuinn Road and Clamshell Alley. There were no objections. He reported that there was a beaver issue on Needles Eye Road, and Perry Fowler had put in a screen to control the problem that apparently was working. He said he contacted game warden Phil Richter who was going to look at the situation this week.

Richard McMullen reported on the possibility of a Salt Priority program for the roads this winter, and he was having a hard time coming up with budget figures. He said typically a municipality buys the equipment and the savings over a 10-to-15 year period justifies the costs. He said because there is just one year left on the contract with a potential to extend it two more years, purchasing the equipment would cost more than typical. He estimated it would cost \$15,000 to convert the trucks and to buy a tank. He said he could write that into a contract. He estimated it would take about 700-tons of salt for a

winter, but he would use very little sand, so the net extra cost for salt would be about \$20,000, for an additional cost of about \$35,000 the first year, and less the 2nd year. He said he could not calculate that it would cost the town less.

Nathan asked what other towns do. Mr. McMullen said many towns are using the salt priority program and a discussion followed.

Kathie Gaianguest asked what the advantages and disadvantages were. Mr. McMullen said the program reduces the ice that bonds to the road surface and explained how the pre-treatment and the straight salt vs. salt/sand use worked. He said it might take time to make the brine, but the process would make the roads bare, faster.

Jo asked about the life expectancy of the equipment and a discussion followed. She asked if part of the town could be salt priority and part regular salt/sand. Richard said trying it on one truck might be an option.

Nathan said he would like to contact a town that uses the salt priority program and learn about costs and maintenance needs. Richard noted that next winter is the last in his 3-year contract. Jo said she would like to get more information.

Cell Tower Purchase Offer – Stu reported he did a future value analysis, and while financially it makes sense to stick with the current arrangement, the question is what might be the future of cell towers. There was a discussion about that, and possibly making a counter offer to American Tower which now owns the Verizon Tower. Selectmen advised to reply that there might possibly be interest in a different arrangement, but not at this time.

Lamoine Beach – Shellfishing Closure – Stu said a report from a biologist working with the local clam folks suggested that dog waste might be part of the problem at Lamoine Beach. He said that he had put a new dog waste bag dispenser in a few days ago, not realizing that the dispenser had disappeared.

Gravel Ordinance – Planning Board chair John Holt said he sent a memorandum to the Board of Selectmen noting that the board did not spend hours discussing the proposed ordinance change. He said he looked at Draft 9, but not carefully. He said there was a discussion about whether the gravel ordinance applies to removal of 1,000 yards of material annually or cumulatively. He suggested that should be addressed, as it is not in the current ordinance. He said that that will likely be a significant discussion point, and it is not helpful in the long run to leave that unclear.

Michael Jordan said he was under the assumption that if less than 500-yards per year was removed, the gravel ordinance did not apply. Mr. Holt said the proposed gravel ordinance intends to remove other projects, such as large buildings, from the scope of the gravel ordinance. He said the Site Plan Review Ordinance applies when over an acre of land is altered. A discussion followed, saying that one goal of the ordinance is not to strip the land.

Mr. Holt said there was no endorsement for or against the draft setback amendment from the Planning Board. Stu noted the current ordinance makes no clarification as to whether the amount of material removed is an annual amount or cumulative. Mr. Holt said if it was determined that some small operations were exempt from the gravel ordinance, they could crop up all over town. He said this would open the door to new gravel operations as the gravel ordinance would not apply to very small operations.

Nathan said he wasn't sure how the current draft could be interpreted to be an annual basis, and a brief discussion followed. There was also a brief discussion about the proposed increase in permit length to 5-years and the threshold increase from 500 yards to 1,000 yards.

Gordon Donaldson said he would send over some draft ideas on other revisions to the proposed setback amendment.

Timeline – Stu reported that he has proposed to treat the adoption process similar to a zoning change in that the Planning Board ought to hold a public hearing prior to final language being voted on. Mr. Holt suggested that the hearing should not be during a regular meeting and that it should possibly be at the school because of an expected large turnout. A discussion followed on the time line for an ordinance vote in November.

Bernie moved to request that the Planning Board hold a public hearing in regard to proposed changes to the Gravel Ordinance. The motion was 2nd and approved **5-0**.

Mr. Holt noted that this is a recommendation from the Board of Selectmen and it would be appropriate to have someone from the Selectboard present at the hearing.

Vacation Schedule – Stu noted that he will be off next week.

Request of Conservation Commission to purchase coffee mugs – Bernie moved to approve the request. Nathan 2nd. **Vote in favor was 5-0.**

School Committee – Lot – Stu reported that the school committee has informally discussed the possible purchase of a house lot next to the school property. Dr. Donaldson confirmed that was in the discussion stage.

GIS Error – Stu reported that the GIS overlay on the state Office of Geographic Information Systems maps did not show the tax maps properly. He said he tracked down the problem to work done at the University of Maine at Machias which relied on data from the College of the Atlantic from several years ago. He said he planned to supply updated electronic maps to UMM which may be able to correct the data. He noted that the error came up with the Department of Environmental Protection was reviewing the data from the latest water testing round.

Mileage Policy – Heather moved to set the mileage reimbursement rate at \$0.50/mile, the same as the previous fiscal year. Gary 2nd. **Vote in favor was 5-0.**

Harbor Ordinance – DA's Office – Stu reported that harbor masters recently received a letter from District Attorney Matthew Foster that said his office would not be prosecuting local ordinance violations. He noted that if needed, the town attorney could handle it.

Next Meeting – Selectmen will sign an expenditure warrant the week of August 24th individually. Stu said he would e-mail the board when that is ready.

There being no further business, the meeting adjourned at 9:05 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.